

105TH CONGRESS
2D SESSION

H. R. 2327

AN ACT

To provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

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To provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Drive for Teen Em-
3 ployment Act”.

4 **SEC. 2. AUTHORITY FOR MINORS TO OPERATE MOTOR VE-**
5 **HICLES.**

6 (a) AMENDMENT.—Section 13(c) of the Fair Labor
7 Standards Act of 1938 (29 U.S.C. 213(c)) is amended by
8 adding at the end the following:

9 “(6) In the administration and enforcement of the
10 child labor provisions of this Act, employees who are under
11 17 years of age may not drive automobiles or trucks on
12 public roadways. Employees who are 17 years of age may
13 drive automobiles or trucks on public roadways only if—

14 “(A) such driving is restricted to daylight
15 hours;

16 “(B) the employee holds a State license valid
17 for the type of driving involved in the job performed
18 and has no records of any moving violation at the
19 time of hire;

20 “(C) the employee has successfully completed a
21 State approved driver education course;

22 “(D) the automobile or truck is equipped with
23 a seat belt for the driver and any passengers and the
24 employee’s employer has instructed the employee
25 that the seat belts must be used when driving the
26 automobile or truck;

1 “(E) the automobile or truck does not exceed
2 6,000 pounds of gross vehicle weight;

3 “(F) such driving does not involve—

4 “(i) the towing of vehicles;

5 “(ii) route deliveries or route sales;

6 “(iii) the transportation for hire of prop-
7 erty, goods, or passengers;

8 “(iv) urgent, time-sensitive deliveries;

9 “(v) more than two trips away from the
10 primary place of employment in any single day
11 for the purpose of delivering goods of the em-
12 ployee’s employer to a customer (other than ur-
13 gent, time-sensitive deliveries);

14 “(vi) more than two trips away from the
15 primary place of employment in any single day
16 for the purpose of transporting passengers
17 (other than employees of the employer);

18 “(vii) transporting more than three pas-
19 sengers (including employees of the employer);

20 or

21 “(viii) driving beyond a 30 mile radius
22 from the employee’s place of employment; and

23 “(G) such driving is only occasional and inci-
24 dental to the employee’s employment.

1 For purposes of subparagraph (G), the term ‘occasional
2 and incidental’ is no more than one-third of an employee’s
3 worktime in any workday and no more than 20 percent
4 of an employee’s worktime in any workweek.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) defining the term “occasional and inciden-
7 tal” shall apply to all pending cases, actions, or citations
8 in which a final judgment has not been entered, except
9 that it shall not apply to any case, action, or citation in-
10 volving property damage or personal injury.

Passed the House of Representatives September 28,
1998.

Attest:

Clerk.